

AMENDED IN SENATE JUNE 12, 2006
AMENDED IN SENATE FEBRUARY 16, 2006
AMENDED IN ASSEMBLY MAY 27, 2005
AMENDED IN ASSEMBLY MAY 23, 2005
AMENDED IN ASSEMBLY MAY 4, 2005
CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1169

Introduced by Assembly Member Torrico
(Principal coauthor: Senator Kuehl)

February 22, 2005

An act to add and repeal Section 1946.1 of the Civil Code, relating to tenancy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1169, as amended, Torrico. Real property: rentals.

Existing law governs the hiring of residential dwelling units and establishes provisions for the renewal or termination of a hiring of residential real property for an unspecified term. Provisions of that law, in effect until January 1, 2006, included a requirement that an owner of a residential dwelling give at least 60 days' notice prior to termination or 30 days' notice prior to termination if the tenant had resided in the dwelling for less than one year, or if other enumerated circumstances were satisfied.

This bill would, until January 1, 2010, reenact the provisions described above. This bill would also revise these provisions to

provide that an owner may give 30 days' notice if any tenant or resident has resided in the dwelling for less than one year.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1.~~

2 ~~SECTION 1.~~ Section 1946.1 is added to the Civil Code, to
3 read:

4 1946.1. (a) Notwithstanding Section 1946, a hiring of
5 residential real property for a term not specified by the parties, is
6 deemed to be renewed as stated in Section 1945, at the end of the
7 term implied by law unless one of the parties gives written notice
8 to the other of his or her intention to terminate the tenancy, as
9 provided in this section.

10 (b) An owner of a residential dwelling giving notice pursuant
11 to this section shall give notice at least 60 days prior to the
12 proposed date of termination. A tenant giving notice pursuant to
13 this section shall give notice for a period at least as long as the
14 term of the periodic tenancy prior to the proposed date of
15 termination.

16 (c) Notwithstanding subdivision (b), an owner of a residential
17 dwelling giving notice pursuant to this section shall give notice at
18 least 30 days prior to the proposed date of termination if any
19 tenant or resident has resided in the dwelling for less than one
20 year.

21 (d) Notwithstanding subdivision (b), an owner of a residential
22 dwelling giving notice pursuant to this section shall give notice at
23 least 30 days prior to the proposed date of termination if all of the
24 following apply:

25 (1) The dwelling or unit is alienable separate from the title to
26 any other dwelling unit.

27 (2) The owner has contracted to sell the dwelling or unit to a
28 bona fide purchaser for value, and has established an escrow with
29 a licensed escrow agent, as defined in Sections 17004 and 17200
30 of the Financial Code, or a licensed real estate broker, as defined
31 in Section 10131 of the Business and Professions Code.

32 (3) The purchaser is a natural person or persons.

1 (4) The notice is given no more than 120 days after the escrow
2 has been established.

3 (5) Notice was not previously given to the tenant pursuant to
4 this section.

5 (6) The purchaser in good faith intends to reside in the
6 property for at least one full year after the termination of the
7 tenancy.

8 (e) *After an owner has given notice of his or her intention to*
9 *terminate the tenancy pursuant to this section, a tenant may also*
10 *give notice of his or her intention to terminate the tenancy*
11 *pursuant to this section, provided that the tenant's notice is for a*
12 *period at least as long as the term of the periodic tenancy and the*
13 *proposed date of termination occurs before the owner's proposed*
14 *date of termination.*

15 (f) The notices required by this section shall be given in the
16 manner prescribed in Section 1162 of the Code of Civil
17 Procedure or by sending a copy by certified or registered mail.

18 ~~(f)~~

19 (g) This section may not be construed to affect the authority of
20 a public entity that otherwise exists to regulate or monitor the
21 basis for eviction.

22 ~~(g)~~

23 (h) This section shall remain in effect only until January 1,
24 2010, and as of that date is repealed, unless a later enacted
25 statute, that is enacted before January 1, 2010, deletes or extends
26 that date.